

Amendment and Remarks
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Remarks

Applicant requests that the Examiner enter the present amendment in the cited application. When the amendment is entered, claims 4, 5, 10 and 11 are cancelled and claims 1 (amended), 2-3 and 6-9 are pending. Reconsideration of the application is requested.

Amendment to the Claim 1

Claim 1 is amended to include the features of the invention that were originally recited in claims 4 and 5. In short, the amendment to claim 1 is fully supported by the specification and claims as originally filed and does not add new matter to the application.

Objection to the Drawings

In the office action, the drawings were objected to because the feature "plurality of lifting members" was not shown. Because claim 10 has been cancelled Applicant submits that the objection to the drawings is moot and request that this objection be withdrawn.

Claim Rejections

In the outstanding office action, claims 1-4 and 6-9 were rejected as being anticipated by US 4,208,828 (Hall). Claim 1, as amended, recites that the claimed insect monitor includes an aperture or opening that extends substantially around the periphery of the base and lid. This feature is not reported in Hall and this deficiency of Hall is also recognized in the office action were an aperture extending around the periphery of the base and lid is opined to not be reported in Hall but instead is reported in another reference, US 5,454,186 (Gang). Because this claimed feature of an aperture around the periphery is not taught or suggested by Hall, claim 1, as well as the pending dependent claims, are not anticipated by this reference. Applicant requests that the rejection be withdrawn.

In addition, claim 5 was rejected as being unpatentable over Hall in view of Gang. As noted above, Hall does not report a aperture around the periphery of the base and lid but the Examiner opined that it would have been obvious to combine the aperture reported in Gang with the trap of Hall in order to make the claimed invention unpatentable. The motivation to combine Hall and Gang is to allow for more insects to enter the device. Applicant respectfully traverses this rejection. When carefully considered, there is no motivation to combine the two references because it would not be

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consistent with the teaching and suggestions reported in Hall. Briefly, Hall reports a trap that includes a inwardly tapered tube which entices roaches in the tube to enter the trap because the tube maintains contact with the roaches' antennae as the roach enters the trap giving false information about the openings further into the tube. If the tube aperture to form an aperture reported in Gang was extended, this contact feature of the Hall trap would be decreased or eliminated. Absent some credible motivation to combine the references, Applicant submits that Hall cannot be combined with Gang. Withdrawal of this rejection is requested.

For completeness, Applicant notes that claim 10 was rejected as being unpatentable over Hall. The Examiner noted that Hall does not disclose a plurality of lifting members, but that there is no disclosure that lifting members is critical to the operation of the invention. Based on this conclusion, the Examiner stated that it would be obvious to add lifting members to facilitate quicker and easier moving of the attractive sheet. Applicant submits that this rejection is moot and requests that this rejection be withdrawn because claim 10 is cancelled. Applicant does note, however, that Hall reports a flange in a side door to lift the edge of the gummed paper when the door is opened. See, for example, col. 2, lines 5-9 and Fig. 4. This portion of Hall, however, does not teach or suggest claim 1, as amended, at least for the reasons that are set out above

Conclusion


All pending claims are now in condition for allowance. A notice to that effect is respectfully requested.

Respectfully Submitted,

PAUL HOYES

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By:


Paul W. Busse, #32,403
FAEGRE & BENSON LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-3901
612/766-7046

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